



PATENT APPLICATION

Docket No: 13587.27

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Norman C. Wong et al.)
)
Serial No.: 09/876,798) Art Unit
) 2152
Confirmation No.: 9042)
)
Filed: June 6, 2001)
)
For: METHOD AND SYSTEM FOR SELECTIVELY)
RECEIVING CONTENT OVER A COMMUNICATIONS)
NETWORK BASED ON NETWORK)
COMMUNICATION SPEED)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
Washington, DC 20231

Sir:

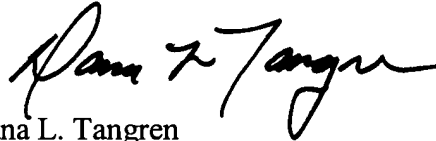
Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Dated this 1st day of October 2002.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dana L. Tangren". The signature is fluid and cursive, with the first name "Dana" and last name "Tangren" clearly distinguishable.

Dana L. Tangren
Attorney for Applicant
Registration No. 37,246

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800

Form PTO-1449

Applicant:

Serial No.:

Filing Date:

For:

Norman C. Wong et al.

09/876,798

June 7, 2001

METHOD AND SYSTEM FOR SELECTIVELY RECEIVING CONTENT OVER A
COMMUNICATIONS NETWORK BASED ON NETWORK COMMUNICATION
SPEED



Sheet 1 of 2

Confirmation No.: 9042

Att'y Docket No.: 13587.27

Group: 2152

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
------------------------------	----------------------------	-----------------------	-------------

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
------------------------------	----------------------------	-----------------------------	-------------------------------------

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial*

1

<http://www.ietf.org/rfc2109.txt>, "HTTP State Management Mechanism," by D. Kristol, Bell Laboratories, Lucent Technologies, and L. Montulli, Netscape Communications, February 1997.

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449

Applicant:

Norman C. Wong et al.

Serial No.:

09/876,798

Filing Date:

June 7, 2001

For:

METHOD AND SYSTEM FOR SELECTIVELY RECEIVING CONTENT OVER A COMMUNICATIONS NETWORK BASED ON NETWORK COMMUNICATION SPEED



Sheet 2 of 2

Confirmation No.: 9042

Att'y Docket No.: 13587.27

Group: 2152

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

W:\1358727\DFW0000001202V001.doc

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

A circular black ink stamp from the Office of Intellectual Property (OIP). The text "OIP" is at the top, "JC154" is at the top right, "OCT 07 2002" is in the center, and "PATENT & TRADEMARK OFFICE" is at the bottom.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Norman C. Wong et al.

Serial No.: 09/876,798

Confirmation No.: 9042

Filed: June 6, 2001

For: METHOD AND SYSTEM FOR SELECTIVELY
RECEIVING CONTENT OVER A COMMUNICATIONS
NETWORK BASED ON NETWORK
COMMUNICATION SPEED

) Art Unit
) 2152

RECEIVED
OCT 09 2002
Technology Center 2100

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the 1st day of October 2002.

- Transmittal for Information Disclosure Statement (3 pages)
- Information Disclosure Statement (2 pages)
- Form PTO-1449 listing one reference (2 pages)
- A copy of the listed reference
- Postcard

Respectfully submitted,

Ana L. Tangren
ANA L. TANGREN

DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

____ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

____ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

X Form PTO-1449 listing one reference submitted for consideration.

X A copy of the reference listed on the Form PTO-1449.

____ English translations of ____ (____) of the references listed on the Form PTO-1449 which are not in the English language.

____ Copies of the following documents from the prosecution of a previous, related application:

____ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and

____ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. X Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. ____ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

____ Promptness Certification; or

____ Check No. _____ in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. ____ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

____ Promptness Certificate;

____ Petition for Consideration; and

____ Check No. in the amount of \$_____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

____ Petition to Withdraw from Issue; and

____ Check No. _____ in the amount of \$_____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

____ The submission fee set forth in 37 C.F.R. § 1.17(p).

____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 1st day of October 2002.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246



022913

PATENT TRADEMARK OFFICE

DLT:dfw

Enclosures

W:\13587\27\DFW0000001200V001.doc